

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

THIS SPACE FOR OFFICE USE ONLY

Date of filing in State Engineer's Office NOV 14 2007

Returned to applicant for correction _____

Corrected application filed _____ Map filed NOV 20 2007 under 76487

The applicant MGC Resources, Inc.

2778 Spokane Creek Road of East Helena

Street Address or P.O. Box City or Town

Montana 59635 hereby make(s) application for permission to appropriate

State and Zip Code

the public waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association give names of members.)

April 26, 2004, State of Nevada.

1. The source of water is underground
Name of stream, lake, underground, spring or other sources.
2. The amount of water applied for is 2.228 cfs or 1000 gpm second feet.
One second foot equals 448.83 gallons per minute.
 - (a) If stored in reservoir give number of acre-feet _____
3. The water to be used for Mining, milling and dewatering
Irrigation, power, mining, commercial, domestic or other use. Must limit to one major use.
4. If use is for:
 - (a) Irrigation, state number of acres to be irrigated _____
 - (b) Stockwater, state number and kind of animals _____
 - (c) Other use (describe fully in No. 12) _____
 - (d) Power:
 - (1) Horsepower developed _____
 - (2) Point of return of water to stream _____

141-114

5. The water is to be diverted from its source at the following point: (Describe as being within a 40-acre subdivision of public survey, and by course and distance to a found section corner. If on unsurveyed land, it should be so stated.)

Within the NW 1/4 of the SW 1/4 of Section 29, T.5N., R.44E., M.D.M., or at a point from which the northwest corner of said Section 29 bears North 07°23'07" West a distance of 3182.01 feet. (Escape Raise well)

6. Place of use: (Describe by legal subdivision. If on unsurveyed land, it should be so stated.)

Refer to EXHIBIT "A", attached.

7. Use will begin about January 1 Month and Day and end about December 31 Month and Day of each year.

8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) (State manner in which water is to be diverted, i.e. diversion structure, ditches and flumes, drilled well with pump and motor, etc.)

Drilled well, pump, meter and pipelines.

9. Estimated cost of works: in excess of \$1,000,000.

10. Estimated time required to construct works: 3 years

(If well completed, describe works.)

11. Estimated time required to complete the application of water to beneficial use: 5 years

12. Provide a detailed description of the proposed project and its water usage (use attachments if necessary):
(Failure to provide a detailed description may cause a delay in processing.)

Water diverted from this well will be used for mining, milling and dewatering.

13. Miscellaneous remarks:

Aggregate total of water appropriated under this application, two other applications submitted this same date and Application No. 75311 shall not exceed a combined annual duty of 1000 gpm.

glindesmith@tristateltd.com

E-mail Address

(775) 358-9491

Phone No.

APPLICATION MUST BE SIGNED
BY THE APPLICANT OR AGENT

By

George G. Lindesmith, PLS/WRS

Type of agent name clearly

Signature, applicant or agent

Tri State Surveying, Ltd.

Company Name

1925 E. Prater Way

Street Address or P.O. Box

Sparks, Nevada 89434

City, State, Zip Code

\$250 FILING FEE AND SUPPORTING MAP MUST ACCOMPANY APPLICATION

Revised 11-07

Protested: January 9, 2008, by Tonopah Public Utilities c/o Stanley Howerton

EXHIBIT "A", PROPOSED PLACE OF USE, MGC RESOURCES, INC.

Division	Section	Township	Range	Meridian
Lot 1	5	4N	44E	M.D.M.
Lot 4	5	4N	44E	M.D.M.
SW NW	5	4N	44E	M.D.M.
SE NE	5	4N	44E	M.D.M.
SW	5	4N	44E	M.D.M.
SE	5	4N	44E	M.D.M.
SW	24	5N	43E	M.D.M.
SE	24	5N	43E	M.D.M.
All	25	5N	43E	M.D.M.
All	16	5N	44E	M.D.M.
All	20	5N	44E	M.D.M.
All	21	5N	44E	M.D.M.
All	28	5N	44E	M.D.M.
All	29	5N	44E	M.D.M.
All	30	5N	44E	M.D.M.
Lot 1	31	5N	44E	M.D.M.
NE NW	31	5N	44E	M.D.M.
NW NE	31	5N	44E	M.D.M.
NE NE	31	5N	44E	M.D.M.
NW	32	5N	44E	M.D.M.
NE	32	5N	44E	M.D.M.
NW SW	32	5N	44E	M.D.M.
NE SW	32	5N	44E	M.D.M.
SE	32	5N	44E	M.D.M.
All	33	5N	44E	M.D.M.